

REMARKS

Claims 1-24 are pending, and are subject to restriction and/or election requirements.

Applicants have responded by election with traverse.

Applicants have provided a substitute sequence listing with additional SEQ ID NOS that are fully supported by the originally filed Specification, to facilitate searching and prosecution.

No new matter has been added.

Restriction Requirement

Applicants elect Group XII, corresponding to the MYOD1 gene, nucleic acid and oligomer sequences, and currently comprising claims 1-20, drawn to methods of diagnosing cancer or cancer-related conditions, based on methylation status, with traverse.

Applicants respectfully traverse the Examiner's restriction of proposed Groups XXI-XL (*i.e.*, the kit claims) from respective Groups I-XX. Contrary to the Examiner's assertion, the instant primer/probe nucleic acids of proposed Groups XXI-XL cannot be used to express polypeptides. The kits, have limited diagnostic and prognostic utility for determining methylation status of CpG dinucleotides of specific amplicons corresponding the nucleic acid and oligomer sequences of Groups I-XX.

Applicants respectfully requests that proposed Groups I-XX (claims 1-20) be combined with the respective groups of proposed Groups XXI-X (claims 21-24). For the present purposes, applicant request that Groups XII (claims 1-20) and XXII (claims 21-24) (both groups drawn to MYOD1 gene, nucleic acid and oligomer sequences) be combined.

Applicants respectfully contend that this can be done with no additional search burden on the Office.

Sequence Listing

The Examiner has additionally requested, upon election of a gene, that applicants specify the SEQ ID NOS corresponding to the elected gene.

The Sequence Listing has accordingly been amended to include additional SEQ ID NOS:66-76 as follows:

SEQ ID NO:66 MYOD1 genomic sequence, as supported by the accession number given in Table II or the originally filed application;

SEQ ID NO:67 CpG island portion of SEQ ID NO:66, as supported by the definition of CpG islands at pages 7 and 8 of the originally filed specification;

SEQ ID NO:68 *Sense* sequence of bisulfite-treated SEQ ID NO:67 corresponding to fully up-methylated genomic sequences, as supported by the written description relating to treatment of genomic DNA sequences with bisulfite found, for example, on page 20 line 12, through page 21, line 35;

SEQ ID NO:69 *Antisense* bisulfite-treated SEQ ID NO:67 corresponding to fully up-methylated genomic sequences;

SEQ ID NO:70 *Sense* sequence of bisulfite-treated SEQ ID NO:67 corresponding to fully down-methylated genomic sequences

SEQ ID NO:71 *Antisense* bisulfite-treated SEQ ID NO:67 corresponding to fully down-methylated genomic sequences;

SEQ ID NO:72 Genomic MYOD1 sequence corresponding to the treated DNA amplicon defined by forward and reverse primers SEQ ID NOS:7 and 8, respectively;

SEQ ID NO:73 *Sense* sequence of bisulfite-treated SEQ ID NO:72 corresponding to fully up-methylated genomic sequences;

SEQ ID NO:74 *Antisense* bisulfite-treated SEQ ID NO:72 corresponding to fully up-methylated genomic sequences;

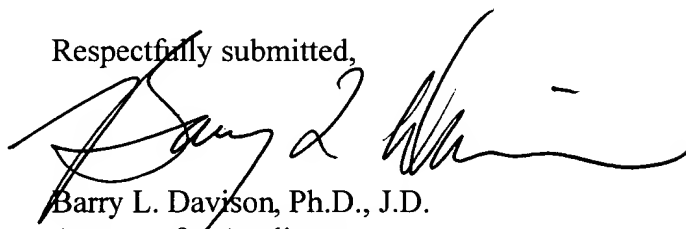
SEQ ID NO:77 *Sense* sequence of bisulfite-treated SEQ ID NO:72 corresponding to fully down-methylated genomic sequences; and

SEQ ID NO:76 *Antisense* bisulfite-treated SEQ ID NO:72 corresponding to fully down-methylated genomic sequences.

Therefore, the SEQ ID NOS corresponding to the elected MYOD1 gene are: SEQ ID NOS:7-9, and SEQ ID NOS:66-76.

No new matter has been added.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry L. Davison", is written over the typed name and title.

Barry L. Davison, Ph.D., J.D.
Attorney for Applicants
Registration No. 47,309

Davis Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Tel 206-628-7621
Fax 206-628-7699